
By: **Delegate Hammen**

Introduced and read first time: February 14, 2003

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Nursing Facilities - Maryland Medical Assistance Program - Payment for**
3 **Reserved Beds**

4 FOR the purpose of altering the time period requirement governing a leave of absence
5 from a nursing facility; repealing the requirement that the Department of
6 Health and Mental Hygiene pay a certain amount to a nursing facility for a
7 reserved bed; providing that a payment from the Department to a nursing
8 facility for a reserved bed may not include payment for nursing services;
9 providing for the application of this Act; making this Act an emergency measure;
10 and generally relating to the Maryland Medical Assistance Program and
11 payment for reserved beds in nursing facilities.

12 BY repealing and reenacting, with amendments,
13 Article - Health - General
14 Section 15-117
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2002 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Health - General**

20 15-117.

21 (a) In this section, "leave of absence" includes:

22 (1) A visit with friends or relatives; and

23 (2) A leave to participate in a State approved therapeutic or
24 rehabilitative program.

25 (b) (1) To ensure that a bed is reserved for a Program recipient who is
26 absent temporarily from a nursing facility, the Program shall include the following
27 payments for nursing facilities that have made a provider agreement with the
28 Department.

1 (2) If the Program recipient is absent from a nursing facility due to
2 hospitalization for an acute condition, the facility shall receive payment for each day
3 that the Program recipient is hospitalized and a bed is reserved and made available
4 for the return of that Program recipient.

5 (3) If a Program recipient is on leave of absence from a nursing facility,
6 the facility shall receive payment for each day that the Program recipient is absent
7 and a bed is reserved and made available for the return of that Program recipient.

8 (c) (1) Payments under subsection (b)(2) of this section may not be made for
9 more than 15 days for any single hospital stay.

10 (2) (i) Payments under subsection (b)(3) of this section may not be
11 made for more than 18 days in any calendar year.

12 (ii) Notwithstanding any rule or regulation, a leave of absence is
13 not subject to any requirement that it may not exceed a particular number of days a
14 visit, except that the leave of absence may not exceed a total of 18 days during any
15 [12-month period] CALENDAR YEAR.

16 (d) Payments required under this section:

17 (1) [shall] SHALL be made according to the per diem payment
18 procedures that the Department sets [and may not be less than the per diem
19 payments made to the nursing facility for days when the Program recipient is present
20 in the facility]; AND

21 (2) MAY NOT INCLUDE PAYMENT FOR NURSING SERVICES.

22 (e) A nursing facility may not make additional charges against a Program
23 recipient because the Program recipient is absent temporarily from the nursing
24 facility.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
26 construed to apply retroactively and shall be applied to and interpreted to affect
27 payments made by the Department of Health and Mental Hygiene to a nursing
28 facility for a reserved bed on or after July 1, 2002.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
30 measure, is necessary for the immediate preservation of the public health or safety,
31 has been passed by a ye and nay vote supported by three-fifths of all the members
32 elected to each of the two Houses of the General Assembly, and shall take effect from
33 the date it is enacted.